

Message Text

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INFO AMEMBASSY MANILA

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AMCONSUL HONG KONG

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C O N F I D E N T I A L SECTION 1 OF 2 TAIPEI 5114

E.O. 11652: GDS

TAGS: PINT, SHUM, TW

SUBJECT: TRIAL AND SENTENCING OF DOWN-ISLAND OPPOSITIONISTS

YANG CHIN-HAI AND YEN MING-SHENG

REF: A. TAIPEI 3556, B. TAIPEI 5077 (NOTAL)

1. SUMMARY: JULY 28 LOCAL PRESS REPORTED THE SENTENCING OF DOWN-ISLAND OPPOSITIONISTS YANG CHIN-HAI AND YEN MING-SHENG TO LIFE AND 12 YEARS' IMPRISONMENT RESPECTIVELY. REPORTEDLY, THE TWO WERE FOUND GUILTY OF SEDITIOUS ACTIVITIES, INCLUDING PLANNING TO FORGE NT REPEAT NT CURRENCY TO UNDERMINE THE MONEY MARKET, BLOW UP OIL PIPELINES, CREATE INCIDENTS OF TERRORISM, AND DESTROY POWER FACILITIES. THE UNPRECEDENTEDLY DETAILED DESCRIPTION OF THE COURT PROCEEDINGS PROVIDED TO THE PRESS SUGGESTS INCREASING AWARENESS ON THE GROC'S PART OF THE VALUE OF PRESENTING PUBLICLY AS STRONG A CASE AS POSSIBLE WHEN MOVING AGAINST DISSIDENTS. HOWEVER, WHATEVER THE MERITS OF THE CASE AGAINST YEN AND YANG MAY BE, OTHER OPPOSITIONISTS VIEW THEIR SENTENCING, AND THE ARREST TWO DAYS AGO OF OPPOSITIONISTS HUANG HUA, AS A SIGNAL THAT THE GROC INTENDS TO CLAMP DOWN MORE FIRMLY ON DISSIDENTS. IT ALSO PUTS AN END, AT LEAST FOR THE MOMENT, TO HOPES AMONG MORE MODERATE

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OPPOSITIONISTS OF REACHING A MODUS VIVENDI WITH THE GROC.

END SUMMARY.

2. ALL JULY 28 LOCAL NEWSPAPERS ANNOUNCED THE SENTENCING OF DOWN-ISLAND OPPOSITIONISTS YANG CHIN-HAI (2799/6855/3189) AND YEN MING-SHENG (7346/2494/5110), WITH THE CHINESE-LANGUAGE PRESS GIVING AN UNUSUALLY FULL ACCOUNT OF THE COURT PROCEEDINGS. THE TWO WERE SENTENCED TO LIFE IMPRISONMENT AND 12 YEARS IMPRISONMENT RESPECTIVELY.

3. ACCORDING TO THE PRESS, AN OPEN TRIAL OF THE TWO WAS HELD ON THE MORNING OF JULY 27 BY THE TAIWAN GARRISON COMMAND (TGGH) JUDGE ADVOCATE, WHICH HANDED DOWN ITS DECISION LATE IN THE AFTERNOON OF THE SAME DAY. YEN MING-SHENG WAS DEFENDED BY HIS OWN LAWYER BUT YANG, WHO HAD NOT PROVIDED A LAWYER, WAS ASSIGNED ONE BY THE COURT. PARAGRAPHS 4-11 BELOW CONTAIN THE PRESS ACCOUNTS OF THE COURT FINDINGS.

4. ACCORDING TO THE COURT DECISION, YANG WENT TO JAPAN FOR BUSINESS IN 1972, WHERE HE BECAME ACQUAINTED WITH HUANG YU-JEN (7806/2589/0088), A REBEL IN JAPAN. (COMMENT: HUANG IS A MEMBER OF THE WORLD UNITED FORMOSANS FOR INDEPENDENCE). HUANG REPORTEDLY PERSUADED YANG TO JOIN IN REBELLIOUS ACTIVITIES. AFTER YANG RETURNED TO TAIPEI, HE RECEIVED SEDITIOUS BOOKS AND PUBLICATIONS WHICH HE CIRCULATED AMONG HIS FRIENDS.

5. YANG AND YEN MET IN 1973 AND BECAME CLOSE FRIENDS. YEN CONSPIRED TO ORGANIZE A SEDITIOUS BODY AS EARLY AS 1964. DUE TO "GOVERNMENT LENIENCY," THE TGGH RULED THAT HE BE LIGHTLY PUNISHED BY RECEIVING POLITICAL REFORM EDUCATION FOR THREE YEARS. HE FAILED TO SHOW HIS REPENTANCE AFTER HIS RELEASE AND AGAIN ENGAGED IN ILLEGAL ACTIVITIES.

6. IN 1974 YEN, YANG, AND OTHERS MET AT YEN'S HOME AND VARIOUS RESTAURANTS IN KAOHSIUNG TO DISCUSS ACTIONS TO OVERTHROW THE GOVERNMENT AND TO DRAFT PLANS FOR DESTRUCTIVE ACTIVITIES. THE PLANS INCLUDED A) FORGING NT CURRENCY TO DISRUPT THE MONETARY MARKET; B) BLOWING UP OIL PIPELINES; C) CREATING INCIDENTS OF TERRORISM; AND D) DESTROYING POWER EQUIPMENT IN ORDER TO CAUSE DAMAGE TO THE COUNTRY AND THE PEOPLE AND TO CREATE SOCIAL UNREST.
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7. IN OCTOBER 1975 THE TWO MET AT YANG'S HOME AND DECIDED TO DEMOLISH THE CHUNG TAO POWER STATION OF THE TAIPOWER KAOHSIUNG BRANCH WITH A TIME BOMB, AS THE FIRST STEP FOR THE EXECUTION OF THEIR PLANS. ON JANUARY 18, 1976 YANG ASKED HIS FRIEND, CH'EN MING-TSAI (7115/2494/6299), WHO WAS IGNORANT OF YANG'S PLOT, TO MAKE A SURVEY OF THE SPOT AT THE CHUNG TAO POWER STATION UNDER THE PRETEXT OF VIEWING BLOSSOMING FLOWERS.

8. ON DECEMBER 23, 1975 YANG INCITED OTHERS TO ENGAGE IN SEDITIOUS ACTIVITIES AT HIS HOME. THE CASE WAS EXPOSED BY THE PEOPLE, AND THE MINISTRY OF JUSTICE INVESTIGATION BUREAU (MJIB) SEARCHED YANG'S HOME. THERE THEY SEIZED A SEDITIOUS DECLARATION DRAFTED IN YANG'S HANDWRITING WHICH HE INTENDED TO RELEASE TO THE PUBLIC, A DRAFT OF THE PLAN FOR DESTRUCTION DRAFTED BY CHANG LIEN, (1728/6647, WHO DID IN 1975) AND THREE PHOTOSTATIC COPIES OF REACTIONARY BOOKS AND PUBLICATIONS. YANG ENTRUSTED HIS FRIENDS, CHANG CHING-SHUI (1728/3237/3055) AND HIS WIFE, WHO WERE IGNORANT OF THE PLANS, WITH THE SAFE-KEEPING OF TH ORIGINALS OF THE SEDITIOUS BOOKS, PUBLICATIONS, AND DOCUMENTS.

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C O N F I D E N T I A L SECTION 2 OF 2 TAIPEI 5114

9. YANG AND YEN CONFESSED AND PLEADED GUILTY IN ARRAIGNMENTS AND TRIALS CONDUCTED BY MJIB AND TGGH. THEIR DEPOSITIONS MATCHED THOSE BY RELATED PERSONS, AND THERE WERE SUFFICIENT WITNESSES AND EVIDENCE THEREFORE, THEIR CRIMINAL ACTS WERE VERY CLEAR AND DEFINITE.

10. YANG WAS FOUND GUILTY UNDER ARTICLE 2 PARAGRAPH 1 OF THE STATUTE GOVERNING PUNISHMENT OF SEDITION WHICH INTER ALIA PROVIDES FOR THE DEATH SENTENCE FOR THOSE WHO COMMIT AN OVERT ACT WITH INTENT TO DESTROY THE ORGANIZATION OF THE

STATE, SEIZE STATE TERRITORY, CHANGE THE CONSTITUTION BY ILLEGAL MEANS, OR OVERTHROW THE GOVERNMENT THE COURT DECIDED TO SHOW MERCY BY SENTENCING YANG TO LIFE IMPRISONMENT RATHER THAN DEATH.

11. YEN WAS FOUND GUILTY UNDER ARTICLE 2 PARAGRAPH 3 OF THE SAME STATUTE, WHICH PROVIDES INTER ALIA FOR A SENTENCE OF NOT LESS THAN 10 YEARS FOR THOSE WHO PREPARE OR CONSPIRE TO COMMIT ANY OF THE OFFENSES REFERRED TO IN PARAGRAPH 1 OF THE SAME ARTICLE. YEN WAS SENTENCED TO 12 YEARS' IMPRISONMENT.

12. COMMENT: THE UNPRECEDENTED DETAIL WHICH THE GROC PRO-
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VIDED TO THE PRESS CONCERNING THE COURT FINDINGS SUGGESTS THAT THE GROC IS INCREASINGLY SENSITIVE TO THE DESIRABILITY OF PROVIDING TO THE PUBLIC, BOTH AT HOME AND ABROAD, AS STRONG A CASE AS IT CAN MUSTER IN MOVING AGAINST DISSIDENTS. WITHOUT ACCESS TO THE EVIDENCE CITED, HOWEVER ANY ASSESSMENT OF THE STRENGTH OF THE CASE AGAINST YANG AND YEN IS INCOMPLETE.

13. OTHER OPPOSITIONISTS CONTINUE TO REMAIN CIRCUMSPECT IN THEIR REMARKS ABOUT THE DEGREE TO WHICH YANG AND YEN WERE ACTUALLY PLOTTING AGAINST THE GROC. MOST, HOWEVER, SEEM TO BELIEVE THAT THE TWO WERE GUILTY MORE OF INDISCREET TALK ABOUT VAGUE ASPIRATIONS RATHER THAN OF HAVING ANY CONCRETE PLAN OF ACTION

14. WHATEVER THE MERITS OF THE CASE MAY BE, OPPOSITIONISTS TEND TO VIEW THE SENTENCING OF YANG AND YEN, TOGETHER WITH THE ARREST TWO DAYS AGO OF OPPOSITIONIST HUANG HUA (SEE REF B) AS A SIGNAL BY THE GROC THAT IT INTENDS TO CLAMP DOWN MORE FIRMLY ON DISSIDENT ACTIVITY. ACCORDING TO ONE OPPOSITIONIST, THESE RECENT GROC ACTIONS HAVE SQUELCHED NASCENT PLANS OF OPPOSITIONISTS TO HOLD AN ISLAND-WIDE MEETING OF NON-KMT MEMBERS AND HAVE, AT LEAST FOR THE MOMENT, DESTROYED HOPES AMONG THE MODERATE OPPOSITIONISTS OF REACHING A MODUS VIVENDI WITH THE GROC.
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